Registered No. HSE-49/2016





ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

RULES SUPPLEMENT TO PART I EXTRAORDINARY

No.1 AMARAVATI, MONDAY , JANUARY 29, 2018 **G.991**

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NOTIFICATIONS BY GOVERNMENT

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INDUSTRIES AND COMMERCE DEPARTMENT

(M.II)

MEASURES TO CONTROL ILLEGAL BUYING / SELLING / STORING / TRANSPORTATION OF MINERALS - THE ANDHRA PRADESH MINERAL DEALERS' RULES, 2017.

[G.O.Ms.No.17, Industries and Commerce (M.II), 29th January, 2018.]

NOTIFICATION

In exercise of the powers conferred under Section 23 (C) of the Mines and Minerals (Development & Regulation) Act, 1957, the Governor of Andhra Pradesh hereby makes the following rules for regulation of buying, storing, transportation of minerals in order to prevent pilferage of mineral revenue to the Government exchequer.

RULES:

1. Short title, Extent, application and commencement:

(i) These rules may be called "The Andhra Pradesh Mineral Dealers' Rules, 2017.

(ii) These rules shall extend to the entire State of Andhra Pradesh

(iii) They shall apply to all minerals and

(iv) They shall come into force with immediate effect.

2. Definitions:

(I) In these rules, unless the context otherwise requires:-

(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);

(b) "Authorized Officer" means Joint Director of Mines and Geology / Zonal Joint Director of Mines and Geology / Deputy Director of Mines and Geology / Asst. Director of Mines and Geology/ Asst. Geologist / Royalty Inspector / Tech. Asst. of the respective jurisdiction /or other officers as may be authorized by the Director of Mines and Geology from time to time;

(c) "Carrier" means any mode or conveyance or facility or means by which mineral is transported from one place to another and includes use of any mechanically propelled vehicle, individual, animal or cart in transportation and storage of the mineral;

(d) "Dealer" means any person who carries on the business of buying, selling, storing, supplying, transporting minerals in raw form and / or subjected the mineral/s to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities.

(e) "Dealers License" means a License granted under these rules authorizing a person / firm / Company to engage in transaction of buying / selling and / or be in possession of minerals in raw form and / or subjected the minerals to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities from a specified place of business.

(f) "Department" means Department of Mines and Geology.

(g) "Director" means Director of Mines & Geology.

(h) "Form" means form set out in Schedule to these rules;

(i) "Government" means Government of Andhra Pradesh;

(j) "Mineral" shall have the same meaning as assigned under section 3(e) of the Mines and Mineral (Development and Regulation) Act. 1957 (Central Act 67 of 1957);

(k) Minerals are subjected to activities such as:

(i) "Beneficiation" means a process to enhance or improve the grade of the mineral or ore through wet and / or dry methods.

(ii) "Crushing" means a process to crush the minerals mechanically.

(iii) "Cutting & Polishing" means a process to cut & polish the minerals.

(iv) "Calcination" means burning of Limestone at high temperatures in a Kiln.

(v) "Pulverization" means a process to make the minerals into powder form.

(vi) "Separation" means a process to separate/segregate the minerals in RoM (Run of Mine).

(l) "Mining Lease" means a lease granted for the purpose of undertaking mining operation and includes a sub-lease thereof;

(m) "Notification" means a notification published in the Andhra Pradesh Gazette and the word notified shall be construed accordingly;

(n) "Prescribed" means prescribed by these rules under the Mines and Minerals (Development and Regulation) Act, 1957;

(o) "Quarry Lease" means a lease granted for the purpose of undertaking quarrying operations under the Andhra Pradesh Minor Mineral Concession Rules, 1966;

(p) "Research Work" means any work done for beneficiation and up gradation of the mineral and for examining its suitability for utilization in the industry for the purpose of scientific study without any commercial motive;

(q) "Scientific Test" means any test conducted for chemical or Mineralogical analysis of mineral and assessment of its chemical and Mineralogical constituents and properties for the purpose of scientific study without involving any commercial usage;

(r) "stock-yard" or "sale-depot" means any place where minerals are stored/stocked in raw and / or after conduct of beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities.

(s) "e-Transit Form" means an electronically generated statutory form issued by the Department for lawful transportation of the mineral by the lease holder from the Mining / Quarry lease areas.

(t) "e-Transit Pass" means an electronically generated statutory form issued by the Department for lawful transportation of the mineral by the dealer in raw and / or after conduct of beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities.

(u) "Year" means financial year 1st April to 31st March or as per the budget year of the Government of Andhra Pradesh.

(II) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them under the Mines and Minerals (Development and Regulation) Act, 1957 and the rules framed thereunder.

3. Prohibitions:

(a) The persons / firms/companies, who deals with the minerals, either in raw form and / or subjected the minerals to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities shall register themselves as dealers, through online in Form-A, with the Department as per the procedure indicated in these Rules.

Provided that no person / firm/company shall deal with the minerals unless and otherwise from a specified place of business.

Provided further that no person / firm/company having a valid mining lease or quarry lease or permit shall be required to register as dealer, for the quantity covered by these leases/permits.

(b) No person shall transport or cause to be transported any mineral either in raw form and / or subject the minerals to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities by any carrier from the place of raising or from the stockyard or from one place to another without having a valid e-Transit Pass.

(c) No Mineral Dealers' License shall be granted in the Leased area to any person / firm/company other than the lease holder.

(d) No person shall stock, sell or offer for sale any minerals either in raw form and / or subjected the minerals to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities for commercial purposes in the State without holding a mineral dealer's license issued under these rules.

4. Grant of License and its Renewal:

(a) Any person desirous of being registered as a dealer shall file an online application for grant/renewal of Dealers' License before 15 days of expiry of licence period through online in Form-A to the Deputy Director of Mines and Geology concerned by making an online payment of Rs.5000/- (Rupees Five Thousand only) towards a non-refundable License fee and shall upload the following documents. No physical copies of any documents shall be sought from the applicant. No documents, in addition to those listed below, shall be sought at any time. The period of license to be granted shall be 20 (twenty) years from the date of its grant and the term of renewal shall be for a period of 20 years from the date of expiry of the license period.

(i) Existence of unit/industry shall be verified online in consultation with Industries Department.

(ii) An affidavit, duly notarized, to the effect that the applicant had not been convicted under M.M. (D&R) Act 1957 and the rules made there under;

(iii) Copies of Income Tax returns for the last three completed years as on the date of filing the application or an affidavit, duly notarized, in lieu of Income Tax Returns where the applicant is not an Income Tax Assessee;

(iv) Sales Tax returns for the last three completed years as on the date of filing the application or an affidavit, duly notarized, in lieu of Sales Tax Returns where the applicant is not a registered dealer of Commercial Tax Department of A.P;

(v) Copy of PAN Card of Firm/applicant;

(vi) Copy of Aadhaar Card of applicant/ Chairman of Board/ Managing Partner etc;

(vii) Shall deposit an amount of Rs.10,000/- as security deposit through online transfer.

(b) Dealer License will be downloadable electronically in Form-B on submission of application. Any inspection prescribed by the department shall be post grant. Randomized allocation of inspections to the officers shall be followed.

5. The Director of Mines & Geology shall condone the delay in online filing of renewal, if the said application is not received 15 days before expiry of license period, but received before the expiry of license period, provided that the applicant remits a late fee of Rs. 500/- per day.

6. Transit Pass:

(i) Transit passes shall be made available to dealers only to the quantity of mineral purchased by the dealers through an authorized permit form. The licensee shall upload the following details from time to time:

(a) royalty/seigniorage fee covered e-Transit Forms;

(b) quantities of minerals subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities

(ii) The licensee shall dispatch the mineral either in raw form and/or subjected the minerals for beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, by obtaining e-Transit Pass in Form-C duly entering all the particulars prescribed therein, from the licensed area.

(iii) e-Transit Passes will be generated without charging any fee except user charges for the quantities covered by payment of Royalty /Seigniorage fee under e-Transit Forms obtained by the dealer from the lease holder after considering the production losses suffered during beneficiation, separation, crushing, pulverization, calcination and cutting & polishing, as the case may be.

(iv) Any person who transports the mineral / minerals, either in raw form and / or subjected the minerals to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, from the licensed area shall carry the electronically generated e-Transit Pass issued by the Department along with the vehicle and shall produce the same on demand to the authorized officer during transit.

7. Conditions:

The License granted in Form-B through online is subject to the following conditions:-

(a) The Licensee shall maintain correct and intelligible accounts of the minerals procured either in raw and / or after carrying out beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be in e-returns in Form-D.

(b) The Licensee shall produce the documentary evidence for the minerals, either in raw and / or subjected the minerals to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, sourced from outside the State of Andhra Pradesh to the Asst. Director of Mines and Geology concerned in Form–E and the same shall be uploaded on the same day that the mineral (s) is / are received at the premises of the dealer.

(c) The Asst. Director concerned shall upload the quantity covered by the Royalty under valid transit permit to the Dealers' user ID Account after verification of the genuineness of the transit permit from the concerned State Government, in case of the minerals procured from outside the State.

(d) The Licensee shall obtain electronically generated e-Transit Passes in Form-C for dispatch of mineral, either in raw and / or subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, from Licensed area and submit e-returns for the production and sales of the minerals in Form-F & G.

(e) The Licensee shall allow the authorized officer to inspect the licensed area for verification of the stocks and accounts of mineral, either in raw and / or subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, and to take samples or to seize any suspicious papers or records.

(f) Every Licensee shall exhibit the Mineral Dealer License at a prominent place in the premises and also maintain sign boards at clearly visible location and every time keep in good condition.

(g) In case the Licensee is unable to commence the business within a period of six months from the date of grant of license or discontinued the business for a continuous period of six months after commencement of such business, the Deputy Director of Mines and Geology concerned shall, with prior notice, declare the license as lapsed and communicate the decision to the Licensee and forfeit the security deposit.

(h) Whenever Licensee fails to comply with any of the conditions of the license or any of these Rules, the Deputy Director of Mines and Geology concerned shall, with prior notice, cancel the license and forfeit the security deposit.

(i) The License period for the license granted to the unit / industry established in a lease or permit area shall be co-terminus with the quarry lease period or permit period.

8. Penalties :

(i) The Licensee who contravenes the provisions of these rules deals with storing, stocking and transportation of minerals, either in raw form and / or subjected the mineral/s to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, shall be penalized with a penalty as per the provisions laid down under rule 26(3)(ii) of Andhra Pradesh Minor Mineral Concession Rules, 1966 in case of Minor Minerals and in case of Major Minerals, action shall be taken in accordance

with the provisions laid down under Section 21 of Mines and Minerals (Development & Regulation) Act, 1957 for the storage of quantity of minerals not covered with payment of Royalty/Seigniorage fee, as assessed by the Authorized Officer.

(ii) Any Person / Firm/ Company who buys or sells mineral/s either in raw form or subjected the mineral/s to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, without obtaining license under these rules shall be penalized with a penalty of Rs.10,000/- in addition to the penalty leviable under sub rule (i) of Rule 8 of these Rules for the quantities not covered with payment of Royalty / Seigniorage Fee as assessed by the authorized officer.

(iii) In case of continuous contravention of these rules, the licensee shall be penalized with an additional fine which may extend to Rs.500/- per day during which such contravention till the compliance of such contravention and the license already granted, if any, may be liable to be terminated by the license granting authority.

(iv) Any Person / Firm/ Company who buys or sells minerals either in raw form and / or subjected the mineral/s to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be, except under and in accordance with the license granted under these rules shall be penalized with a penalty as per the provisions laid down under rule 26(3)(ii) of Andhra Pradesh Minor Mineral Concession Rules, 1966 in case of Minor Minerals and in case of Major Minerals action shall be taken in accordance with the provisions laid down under Section 21 of Mines and Minerals (Development & Regulation) Act, 1957 for the storage of quantity of minerals not covered with payment of Royalty/Seigniorage fee, as assessed by the Authorized Officer.

(v) Whoever intentionally obstructs the competent authority or authorized officer in performing his duties under these rules shall be punishable with an imprisonment for a term which may extend to one year or fine which may extend to Rs.1,00,000/- or with both.

9. Seizure and confiscation:

(a) Every licensee permitted to stock, or transport minerals shall allow authorized officer to enter and inspect any premises where the mineral either in raw and / or subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities is kept or stored.

(b) The Authorized Officer may search any place in which he /she has a reason to believe that an offence under these rules is being committed and seize any stock of mineral either in raw or subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities.

(c) Every officer seizing mineral either in raw form and/or subjected the mineral/s to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities under these rules shall prepare a list of minerals so seized and deliver a copy thereof signed by him to the person found in possession of such minerals. He shall keep such property under his custody with proper official seal and with detailed information in Form –H.

(d) When any mineral or property seized is produced before the competent authority and he is satisfied that under these rules an offence is committed, he/she may order confiscation of mineral and other properties used in omitting such offence subject to the condition that;

(i) A notice shall be issued in writing in Form-I to the accused person informing him/her on the ground on which it is proposed to confiscate such property.

(ii) An opportunity shall be given to the accused person for making a representation in writing within a period of seven (7) days and a personal hearing against such notice.

10. Custody of the seized property:

The Authorized officer shall keep the seized material or properties under the custody of an institution belonging to Government or any responsible official of the Government as far as possible, after duly conducting a panchnama. If the penalties are not paid within a week, the seized properties shall become the Government property and the same shall be auctioned as per the procedure.

11. Appeal:

(a) Any person aggrieved by an order of the Asst. Director of Mines and Geology concerned/ Deputy Director of Mines and Geology concerned or authorized officer for a particular action under these rules may within sixty (60) days from the date of communication of the order prefer an appeal in Form-J to the Director of Mines and Geology.

(b) Every application for an appeal shall be accompanied with a fee of Rs.1000/-(Rupees One Thousand only) to be deposited to the following Head of Account:

"0853-Non-Ferrous Mining and Metallurgical Industries
102-Mineral Concession Fees and Royalties.
81- Other Receipts."

(c) The appellant authority may, after having recorded the reasons, condone the delay in filing of appeals.

(d) The appellant authority shall dispose of the appeal within a period of Sixty (60) days from the date of receipt of the appeal.

12. Revision:

(a) Any person aggrieved by an order passed on an appeal under these rules may file an application for revision before the State Government within sixty (60) days from the date of communication of the order in Form-J.

(b) Every application shall be accompanied with a fee of Rs.1000/-(Rupees One Thousand only) deposited to the following Head of Account.

"0853-Non-Ferrous Mining and Metallurgical Industries
102-Mineral Concession Fees and Royalties.
81- Other Receipts."

(c) The Government may, after having recorded the reasons, condone the delay in filing of revision applications.

(d) The Revisional Authority shall dispose of the revision application within a period of Sixty (60) days from the date of receipt of the revision application.

13. Status of the application / grant of license on death of applicant / Licensee:

In the event of death of an applicant or a Licensee, the application or the license shall be considered to have been filed or held by the legal heir/heirs of the applicant or licensee as the case may be. The Deputy Director concerned shall pass an order to that effect.

14. Saving:

(a) All the licenses granted under A.P.Mineral Dealers Rules, 2000 prior to the date of commencement of these rules shall be deemed to have been granted under these rules and shall be governed by these rules.

(b) All the Persons / Firms / Companies deals with storing, stocking and transportation of minerals, either in raw form and/or subjected the mineral/s to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities as the case may be, register before the Deputy Director of Mines & Geology concerned within 6 (six) months from the date of commencement of these rules.

15. Power of State Government:

The Government may issue any instructions, orders and clarifications as and when necessary for proper implementation of these rules.

SCHEDULE

[Annexure to G.O.Ms.No. 17, Ind. & Com.(M.II) Dept. dated 29/01/2018]

FORM-A
[(See Rule 3(a) & 4(a)]
(Application for License/Renewal)

PHOTO

I. Applicant details:

a) Name of the applicant
b) Father Name
c) Door No.
d) Street
e) Village
f) Mandal
g) District
h) State
i) Country
j) Pin code
k) PAN Number
l) Aadhar No
m) Mobile Number
n) Email

II. Is the applicant a private individual / private company / public company / firm / Association?

III. In case the applicant is

a) i) an individual, his nationality
ii) Qualification
iii) Experience in mining field

b) If other than individual,
i) A copy of certificate of registration issued by the competent authority shall be enclosed.
ii) The nationality of all the partners / members
iii) Nationality of non Indian members

IV. If other than individual specify
a) Representative/Authorized signatory name Sri / Smt.
b) Designation in the Firm
c) Profession or nature of business of the applicant / applicant firm

V. Name of Mineral (s) / Ore (s) for which License is applied for

VI. Purpose of the License
(Please specify the method of dealing minerals such as beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities.)

VII. Transaction ID of amount paid towards application fee and security Deposit

VIII. Period for which License is required.
(In case of renewal, number & date and validity of original License shall be furnished)

IX. Specific place of business :
a) Survey No.
b) Extent
c) Village
d) Mandal
e) District
f) Govt. / Patta Land
(Certificate issued by the Competent Authority shall be attached)

X. Income Tax returns for the last 03 years : Attached / not attached

XI. GST Registration No. and Jurisdiction

XII. Affidavit showing the details of Mining / Quarry Leases and Mineral Based Industries held within the State by the applicant or its Partners.

Declaration

I/We hereby declare that I/We have read and understood all the provisions of the A.P. Mineral Dealer Rules, 2017 made there under and the conditions of the License and I/We agree to abide by the same.

Date of application:

Place:

Signature of Applicant

FORM-B

[(See Rule 4(b)]

Form of License

License No. _______________ Date. __________

PHOTO

1. Application ID No.
2. Name of the Licensee (in full)
3. Profession
4. Full Address
5. Father's name in full
   (In case of firm, give the names and address of all the partners and the person authorized to act on behalf of the firm).
6. Name of Mineral (s) / Ore (s) for which License is granted
7. Specific place of business
8. Specific purpose for which License is granted
9. Name of Mineral (s)/Ore (s) covered under the license.
10. Details of security deposit.
11. Period of License
    (In case of renewal, the number & date and period of the original License shall be specified)

Signature & Designation of
the granting Authority

Government of Andhra Pradesh
Department of Mines and Geology
FORM-C
[See Rule 6(a) (ii) & 7(d)]
TRANSIT PASS

Transit Pass/S.No._____

1. License ID No.
2. Name and Address of the Licensee
3. Place of business
   a) Survey No.
   b) Extent
   c) Village
   d) Mandal
   e) District
   f) PIN code

4. Name and address of the consignee. If consignee is a licensee, specify the following.
   a) License ID
   b) Survey No.
   c) Extent
   d) Village
   e) Mandal
   f) District
   g) PIN code

5. Name of the Mineral

6. Quantity (Weight / Volume)

7. Approximate value of the Mineral

8. Date and time of Dispatch

9. Details of transportation

   i) Mode of Transport
   ii) Carrier Registration No.

10. Details of vehicle driver
    i) Name and address
    ii) Driving License No. & Validity

Signature with date
(a) consigner

(b) Driver

Signature and designation
of checking authority

FORM-D

[(See Rule 7(a)]

Name of the Licensee: Date:

License ID No. & Date with validity: Mineral:

(Purchases / Procurement from within the State)

Sl. No.	Purchased / Procured from			Quantity in Cum/ Mt / Sft	Transit Form / Pass No.	Date	Value of the Mineral	GST way bill No. & Date
	Name of the lease holder	Lessee / Licensee ID No.	Location					
1	2	3	4	5	6	7	8	9

FORM-E

[(See Rule 7(b)]

(Purchases / Procurement from the sources outside the State)

Name of the Licensee: Date:

License ID No. & Date with validity: Mineral:

Sl. No.	Purchased / Procured from			Name of the state	Quantity in Cum/ Mt / Sft	Transit Form / Pass No.	Date	Value of the Mineral	GST way bill No. & Date
	Name of the lease holder	Lessee / Licensee ID No.	Location						
1	2	3	4	5	6	7	8	9	10

FORM-F
[(See rule (7) (d))]

(Sales of minerals either in raw form or minerals subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities.)

S.No.	Transit Pass Form-C No.	Date	Quantity in Cum/ Mt / Sft	Detailed address of the consignee	Value of the Mineral	GST way bill No. & Date
1	2	3	4	5	6	7

FORM-G
[(See Rule 7(d)]

Name of the Licensee: Date:

License ID No. & Date with validity: Mineral:

Qty in Cum/Mt/Sft

(Minerals consumed in processing industry/unit)

Date	Raw Material							Minerals subjected to beneficiation, separation, crushing, pulverization, calcination and cutting & polishing activities, as the case may be.			
	Opening balance	Quantity purchased / procured	Total	Sales (as per FORM-F)	Balance quantity	Quantity feed into unit/ industry	Closing balance	Opening balance	Quantity (yield)	Quantity sold	Closing balance
1	2	3	4	5	6	7	8	9	10	11	12

Note: Please furnish the above details separately for minerals procured from the authorised sources within the State / and outside the State.

FORM-H

[(See Rule 9(c)]

1. Name of the Officer seizing the property
2. Designation and address of the Officer
3. Details of property seized
   a) Place of seizure with date and time
   b) Description of such property
4. Rule under which property is seized
5. Name and address of person from whom the property is seized
6. Name and address of any other claimant for the seized property
7. Details of 'Seal' given on the seized property
8. Name and address of person under whose custody the seized property has been kept
9. Signature of the custodian
10. Approximate value of the seized property
11. Remarks
12. Name and address of the witness with Signature

    (i)

    (ii)

Date:

Signature of the officer with designation& address seizing the property

FORM-I

[(See Rule 9(d) (i)]

Notice No.___________ Date. ____________

To
Sri / Smt. / M/s.

Address:

Sir/Madam

Take notice that the following property which was involved in an offence committed under Rule ___________ of the Andhra Pradesh Mineral Dealers Rules 2017 at _______AM/PM on _______ (date) and seized by Sri _________________ (Designation) ____________ at ___________ (Place of occurrence of offence) will be confiscated by the undersigned.

You are hereby informed that you may, within 7 days, submit a written representation and the request for a personal hearing from the date of issue of this notice. Failing which the matter will be decided as per the rules in force.

Signature of the competent Authority
with designation

Date:

FORM-J
Form for Appeal
[(See Rule 11(a) or 12(a)]

1. Name of the applicant in full
2. Address
3. Father's name in full
   (in case of firm, give the names and address of all the partners and the person authorized to act on behalf of the firm).
4. No. and date of order of the ADM&G / DDM&G / DM&G against which Appeal / Revision is preferred (copy of order to be enclosed).
5. Grounds of Appeal/Revision
6. Evidence for payment of fee for Appeal / Revision.
7. i) Whether the Appeal / Revision is filed within time: Yes / No
   ii) If no, reasons there of
8. Additional information, if any

Date. Signature of the applicant

B. SREEDHAR,
Secretary to Government (Mines).

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Published and Uploaded by the Commissioner of Printing, Government of Andhra Pradesh at Government Regional Press, Vijayawada, www.ap.egazette.cgg.gov.in